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Response To Comments On Proposed Amendments To:

310 CMR 7.25(12)
Consumer Products

310 CMR 7.00
Definition of VOC

310 CMR 7.03(16)
Paint Spray Booths

Regulatory Authority:
M.G.L. c. 111, Sections 142A through 142N

December 2008

In October 2008, the Massachusetts Department of Environmental Protection (MassDEP) proposed amendments to regulations for Consumer Products, 310 CMR 7.25(12), to include provisions for Alternative Compliance Plans (ACPs). MassDEP also proposed to add the compound HFE-7300 to the list of exempt compounds in the current definition of Volatile Organic Compound (VOC) in 310 CMR 7.00, and to make a technical correction to Paint Spray Booth regulations, 310 CMR 7.03(16)(g).

MassDEP held a public hearing and solicited oral and written testimony on the proposed regulations in accordance with Massachusetts General Laws (MGL) Chapter 30A. On October 10, 2008, MassDEP published notice of the public hearings and public comment period on the proposed regulatory revisions in both the Springfield Republican and the Boston Globe, and notified interested parties via electronic mail. A public hearing was held on Tuesday, November 25, 2008 in Boston, Massachusetts and the comment period closed on December 5, 2008.

MassDEP received one comment during the public comment period from Anne Arnold, U.S. Environmental Protection Agency, Region 1, Boston, MA. Below is the comment received and MassDEP's response.

1. Comment: Massachusetts should include language indicating that alternative compliance plans (ACPs) need to be approved by EPA into the Commonwealth's State Implementation Plan (SIP). This is necessary because product sales within the state is one of the metrics used in the calculation to determine acceptable alternative limits, and sales in one state are likely to be different from sales in another state. We suggest section 7.25(12)(b) be modified as shown:

ALTERNATIVE CONTROL PLAN or ACP means an emissions-averaging program approved by CARB pursuant to California Code of Regulations, Title 17, Subchapter 8.5, Article 4, Sections 94540-94555, and also approved by EPA and incorporated into the Massachusetts state implementation plan.

Additionally, revisions should be made to 7.25(12)(c)(9)(i) as shown below:

(i) Alternative Control Plans.

1. The VOC content limits specified in 310 CMR 7.25(12)(c)1.: Table 2. shall not apply to any manufacturer for any consumer product that is subject to an ACP for the period of time that the ACP remains in effect provided that the manufacturer complies with all conditions and requirements of the ACP Executive Order and use of the ACP in Massachusetts has been approved by EPA.

Response: MassDEP commits to submit any ACP it receives to EPA for approval into the Massachusetts SIP. However, MassDEP does not believe that the final regulation needs to reflect this commitment and has left the regulation unchanged.